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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/420,912	10/20/1999	JON ALLEN FORD	CASE-1	3426

7590

03/07/2003

AVAYA INC
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HOLMDEL, NJ 07733

EXAMINER

BACHNER, REBECCA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/420,912

Applicant(s)

FORD, JON ALLEN

Examiner

Rebecca M Bachner

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3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-24 and 27-59.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3400

Advisory Action

1. The affidavit was not considered by the examiner as it was not seasonably presented (see MPEP 715.09). The applicant may not file a 131 Affidavit against a reference that's been used throughout the prosecution history. Unless the reference was just used in the final office action, there is no showing of "good and sufficient" reason as to why it is presented now and is therefore untimely. The examiner used the Haq reference on the non-final action dated July 15, 2002 and the applicant should have submitted the affidavit with their amendment on September 23, 2002.

2. In response to the applicant's argument that Walker et al. does not teach "determining a value to the work item of being serviced by the resource, the value to the work item being a measure of how the work item is treated compared to other work items and treatment goals of the individual work item," the applicant argued that the examiner's example of plumbing does not apply to this claim. However, the applicant is looking at the example in reverse. The example of the plumber was that the work item (for example, the sink needing to be drained) would place the highest value on having the best resource (for example, the plumber) come to fix the problem. This is because from the point of view of the work item, or sink, the goal is to be drained first and by the best resource, or plumber available.

Referring to Walker, the work item has a value as the work item, or job, can be prioritized. Therefore the work item is compared with other work items (see column 2,

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lines 26-34). Walker does not explicitly disclose a total value with the goal of the individual work item (as recited in the applicant's claim). However, the examiner still contends that it is old and well known that the goal of the work item is for the resource to work on it (priority) and also to have the best possible resource work on it. Therefore, based on Walker's teachings it would have been obvious to one of ordinary skill in the art to determine the value of the work item as it would be most valuable for the work item to have the most skilled resource to work on it.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703) 305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

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(703) 305-7687 Official communications; including After Final
communications labeled "Box AF"

(703) 746-7306 Informal/Draft communications, labeled "DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

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RMB
February 28, 2003



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